



# CITY OF LODI

## COUNCIL COMMUNICATION

AGENDA TITLE: Approve Principles of Negotiation for Conjunctive Use Project by Eastern San Joaquin Parties and the East Bay Municipal Utility District

MEETING DATE: December 20, 1995

PREPARED BY: Public Works Director


RECOMMENDED ACTION: That the City Council approve, by motion action, the principles of negotiation for the Conjunctive Use Project.

BACKGROUND INFORMATION: Each governing body of the East San Joaquin Parties (ESJP) is being asked to approve the principles of negotiation for the Conjunctive Use Project being undertaken jointly by ESJP and East Bay Municipal Utility District (EBMUD). Attached as Exhibit A is a letter, dated November 9, 1995, from Andy Christensen of Woodbridge Irrigation District (WID). Mr. Christensen is the Chair of the ESJP Technical Committee and is asking each agency of ESJP to review the prior request of Supervisor Barber and approve the principles of negotiation. Supervisor Barber's request and the principles are attached as Exhibit B. Supervisor Barber's request was sent to the City Council in October of this year but was not acted on at that time.

The Technical and Policy committees of ESJP have worked hard to develop these principles which will be used as a guideline in the negotiations with EBMUD. Rather than repeating everything, I have circled important areas in Supervisor Barber's letter which address some of the concerns Council may have.

John Pulver, the County's Water Resources Coordinator, and Andy Christensen, the Chair of the ESJP Technical Committee, will be in attendance at the Council Meeting in order to answer any questions on this item.

FUNDING: Not applicable.

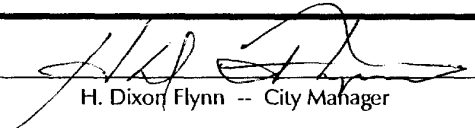
  
Jack L. Ronsko  
Public Works Director

JLR/lm

Attachments

cc: John Pulver, San Joaquin County Water Resources Coordinator  
Andy Christensen, Chair, ESJP Technical Committee  
Water/Wastewater Superintendent

APPROVED: \_\_\_\_\_

  
H. Dixon Flynn -- City Manager

**EXHIBIT A**

**RECEIVED**

NOV 14 1995



November 9, 1995

Jack Ronsko  
Lodi Public Works  
Call Box 3006  
Lodi, Ca. 95240

Dear Mr. Ronsko,

Re: Conjunctive Use Project

On May 2, 1995, the Board of Supervisors, but also with your support and ratification, signed an study agreement for an initial study effort with EBMUD of an regional conjunctive use ground water banking project that holds promise to be one of the most dynamic water projects proposed in recent years with the potential of (1) halting saline intrusion problems, (2) stopping the draft of ground water, (3) and meeting the present and future water needs of eastern San Joaquin County (4) while providing for the dry year water needs of EBMUD. Your support of each step in this process is vital if the effort is to continue. Initial study efforts have shown a range of project alternatives that conceptually meet project goals. Study efforts can not proceed further until an agreement is negotiated with East Bay Municipal Utilities District that defines mutually acceptable project goals and satisfactorily protects ESJP ground water, ground water basin, and surface water interests.

On October 17, 1995, Supervisor Barber sent a letter to all agencies that make up the Eastern San Joaquin Parties entity asking that agencies support continued negotiations with East Bay Municipal Utilities District for a joint project. Your help is needed once again and we ask that your entity take action to review, consider, and support the request made in Supervisor Barber's letter. A copy of your indication (resolutions or document) of support should be sent to Supervisor Barber's office. I have included a copy of the October 17, 1995 Supervisor Barber letter and "Principles". Thank you for your continued support!

Sincerely,

A handwritten signature in cursive script, reading "Anders Christensen".

Anders Christensen, Chair  
Eastern San Joaquin Parties Technical Committee

AC/jg  
enclosure:

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ESJP Technical Committee



**GEORGE L. BARBER**

MEMBER  
BOARD OF SUPERVISORS  
FOURTH DISTRICT

222 EAST WEBER AVENUE  
ROOM 701  
STOCKTON, CALIFORNIA 95202

TELEPHONE: 468-3113  
THORNTON: 794-2784  
STOCKTON: 943-6363

BILL BISHOFBERGER  
Legislative Assistant

October 17, 1995

RECEIVED OCT 18 1995

The Honorable Board of Directors of the  
Woodbridge Irrigation District  
18777 North Lower Sacramento Road  
Woodbridge, California 95258

Dear Members of the Board:

RE: CONJUNCTIVE USE PROJECT

As you know, we have been working for some time on a possible joint conjunctive use project with the East Bay Municipal Utility District (EBMUD). A study has been undertaken jointly with EBMUD at a cost of over \$600,000 with over \$300,000 provided through the Board of Supervisors by way of a San Joaquin County Flood Control and Water Conservation District assessment and the other half provided by EBMUD. That study has been completed. Our work has been done in connection with a Technical Committee and a Policy Committee to which you have appointed representatives.

Since the study is now complete, it is time to move forward with substantive negotiations with EBMUD and perhaps other interested parties. The Policy Committee has asked that I write to you and ask that you endorse continued negotiations under the proposed Principles. The enclosed Principles are intended as guidelines under which the East San Joaquin Parties ("ESJP") will undertake negotiations.

We believe the project contemplated by the Principles would assist in meeting the water needs of the ESJP and EBMUD, and would particularly address the needs of our critically overdrafted groundwater basin.

The conjunctive use Policy Committee has worked very hard to assemble a set of Principles acceptable to all of the ESJP representatives. These Principles are by no means the final word on how a future project would look. Rather, they are a set of guidelines to steer the ESJP during the negotiation process with EBMUD. Any final agreement will be subject to approval by the  
RE: Conjunctive Use Project  
October 17, 1995

interested parties or by an overall agency formed by the interested parties. We have not reached that point yet.

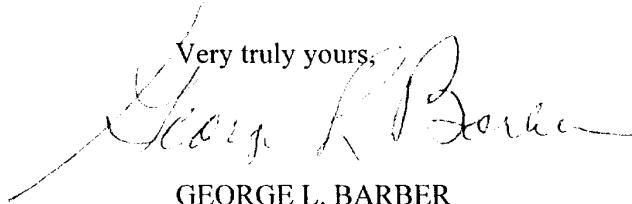
We know a major issue for all concerned will be "how much will it cost" and "how will we pay for it." Until the project becomes more firm after negotiations we cannot come to any meaningful conclusion as to cost. We do know cost will be a major issue for all concerned.

Meanwhile, we would like your approval and the approval of all of the other involved agencies to be sure we are moving in the direction you desire.

While you have had representatives on the Technical and Policy Committees, if you would like someone to appear before your body, for a more detailed explanation, we would be happy to arrange for it.

Should you have any questions, please let us know.

Very truly yours,

A handwritten signature in cursive script, appearing to read "George L. Barber".

GEORGE L. BARBER

Chairman

San Joaquin Conjunctive Use Policy Committee

GLB:TJS:EMS/ect  
Enclosure

PRINCIPLES FOR FURTHER NEGOTIATION RELATIVE  
TO A CONJUNCTIVE USE PROJECT

(10/16/95)

1. The following principles shall apply to a phased conjunctive use/water banking project (Project) to be undertaken jointly by the Eastern San Joaquin Parties (ESJP) and the East Bay Municipal Utility District (EBMUD).

2. Eastern San Joaquin County is an area suffering from an overdrafted groundwater basin and includes, among other areas, the territory within the boundaries of the Eastern San Joaquin Parties, that is, the Woodbridge Irrigation District, the North San Joaquin Water Conservation District, the City of Lodi, the Stockton East Water Conservation District, the City of Stockton, the Central San Joaquin Water Conservation District, and the adjoining County territory under the jurisdiction of the San Joaquin County Flood Control and Water Conservation District.

3. The ESJP will undertake joint negotiations with EBMUD and other interested parties including Sacramento County, if requested, but two way negotiations with EBMUD on matters of concern to the ESJP and EBMUD shall continue.

4. The priorities of the Project shall be in order, as follows:

FIRST: To stop the overdraft of the Eastern San Joaquin County basin;

SECOND: To restore the basin to an agreed upon  
progressively improving recovery level;

THIRD: To supply the water needs of the ESJP;

FOURTH: To supply the water shortage needs of EBMUD in dry  
years.

5. Project Conveyance Facility

5A. The ESJP continue to prefer a canal along the original  
alignment of the Folsom South Canal to allow water to move in  
both directions as needed.

5B. If EBMUD and the ESJP elect to construct a conveyance  
facility from the Folsom South Canal to the Aqueducts the  
facility should have the capacity to convey EBMUD's full  
entitlement of 150,000 acre-feet per year and the facility should  
have appropriate turnouts north and south of the Mokelumne River  
accessible to the NSJWCD and other interested water users in a  
manner which will provide gravity service as originally  
contemplated from the alignment of the Folsom South Canal.

5C. Even if EBMUD and the ESJP construct a facility from  
the Folsom South Canal to the Aqueducts, a conveyance facility  
should be constructed north from Peters to an agreed upon point  
north of the Mokelumne River.

6. Water Supply

6A. The minimum, acceptable supply of water to ESJP in wet years (as defined by DWR) is 300,000 acre-feet.

6B. 371,000 acre-feet of water should normally be available in wet years through the EBMUD entitlement from the American River, or an equivalent amount from the EBMUD Mokelumne River entitlement; the SEWD-CSJWCD entitlement from the Stanislaus River; all water on the Mokelumne River not now used by EBMUD or any downstream water right holders; any unregulated flows on the Calaveras River which can be put to use; and, any unregulated flows in Little Johns Creek which can be put to use.

7. Facilities which shall provide water shall include but will not be limited to:

7A. A conveyance facility extending at least to an agreed point north of the Mokelumne River and as far south as Peters.

7B. Gravity diversion structures from the Mokelumne and the Calaveras to the north-south conveyance facility.

7C. A combination of new agricultural distribution systems such as injection wells, surface water facilities, and in-lieu recharge systems with a minimum, total capacity of 265,000 acre-feet with a minimum of 10,000 acre-feet of annual, firm surface

water delivered to NSJWCD.

7D. EBMUD injection/extraction or in-lieu facilities with a minimum capacity of 70,000 acre-feet, which will operate within geologic formations in a manner which will in no way impair water quality within Eastern San Joaquin County and will create a common source of water for the ESJP and EBMUD.

8. Phase I Extraction Thresholds; Goals; Use:

8A. The Parties shall develop a dynamic base groundwater profile through groundwater and saline intrusion monitoring facilities as a means to set minimum, standard groundwater conditions for the area and to continuously monitor the basin. The profile will include information on water quality, salinity levels, and water table elevations.

8B. EBMUD shall not extract water for export if the groundwater levels in the basin drop below the groundwater levels reported for the fall of 1990 by the San Joaquin County Flood Control and Water Conservation District.

8C. The groundwater elevation goals are to be 30 feet below sea level east of Highway 99 and 20 feet below sea level west of Highway 99 and where groundwater elevations are now above those levels, then the current elevations. These groundwater elevation



goals shall be revised if warranted through analysis of the information obtained pursuant to the monitoring described in 8A in conjunction with other relevant data, water quality goals, groundwater levels, and salinity intrusion goals.

8D. Should the goals set forth in 8C not be met within ten years after the start of project operations, Phase II shall be implemented.

8E. Until the goals of 8C are met, EBMUD shall be allowed to extract an agreed upon percentage of the water stored by EBMUD within the groundwater basin. After the goals of 8C are met, the Parties shall be entitled to an equitable share of all waters stored in the basin as part of this project as agreed upon by the parties. All extractions by EBMUD shall remain subject to 8B.

9. Phase II shall be implemented if the goals set forth in 8C are not achieved within ten years of the Project's start of operations. The Agreement between the parties shall ensure that Phase II will be implemented by the parties when required.

10. Phase II may consist of one or more of the following:

10A. An enlarged and reconstructed Farmington Dam suitable for water storage as well as flood control.

10B. South Gulch Water Conservation Reservoir.

10C. Additional recharge facilities.

10D. Other facilities as may be agreed upon by the parties.

11. Use of Delta and/or Sacramento River water, if any, shall be proportionate between EBMUD and the ESJP.

12. Localized groundwater drawdown, caused by the Project, shall be minimized so as to avoid unnecessary impacts on groundwater users through prudent extraction site selection. Adverse impacts on groundwater users shall be fully mitigated. Seepage and high groundwater level impacts caused by the Project shall also be fully mitigated.

13. The ESJP continue to be opposed to the EBMUD approach set forth in Composite No. 2 of the Water Supply Management Program.

14. Integration of EBMUD's American River supply into the project is essential to develop a successful conjunctive use/water banking program between EBMUD and the ESJP. It is recognized that diversions from the American River by a joint American River project would be subject to the "Judge Hodge Decision," as it may be modified. EBMUD in consultation with the ESJP, shall, seek modification of the terms of the "Judge Hodge Decision", to allow for conjunctive use of both American and Mokelumne River waters. Integration of San Joaquin County's

filing on the American and Mokelumne Rivers and other local water entitlements as well as increased yields from combined operations, new facilities and supplies, should be evaluated for use in any conjunctive use project. Other reasonable alternatives should be considered in a study to provide information on yield, costs and constraints.

15. The cost of distributing water to the various parcels of agricultural lands within the territory of the ESJP will vary substantially depending upon the proximity to the sources of water and the extent of surface water distribution facilities already in place as well as such additional facilities as may be required in the Project. The inclusion of EBMUD's needs will require distribution of water to additional agricultural lands beyond those necessary to meet the needs of the ESJP. EBMUD's participation in the basin must not directly or indirectly impair providing for, or increase the cost of, meeting the water needs of the ESJP.

16. The conjunctive use study and joint plans for the Project shall not use land fallowing or other irrigation curtailment except reasonable conservation to develop water supply.

17. Costs shall be allocated in an equitable manner.

18. It is understood that the project may require further review under the California Environmental Quality Act (CEQA). If CEQA

review is found to be necessary for the project it will be pursued jointly.

19. If a favorable court ruling, allowing the use of EBMUD American River Contract water in a conjunctive use project utilizing American River and Mokelumne River water and the Eastern San Joaquin County groundwater basin, is not received within a mutually agreeable time of an agreement for conjunctive use between EBMUD and the ESJP, and if an alternate supply is not identified, then the agreement shall terminate.

20. These Principles are established under the assumption the groundwater basin will have sufficient capacity to store the amount of water needed by the ESJP and EBMUD.

21. Governance/Finance

21A. The current Policy and Technical Committees of the ESJP will recommend creation of an appropriate organization for the purposes of governance and finance of the ESJP share of the Project.

21B. In selecting the type of agency or organization to be created, the ESJP will enter into discussions on form weighing the factors of ease of implementation, taxing/assessment authority, degree of administrative efficiency upon formation, and boundary issues in making their decision.

21C. The governing board of the proposed agency will be comprised of members appointed by the East San Joaquin member parties. Each member party will appoint at least one representative to the governing board. Additional representation will be apportioned through the benefits to, and burdens on, the respective member parties. Members of the governing board shall be elected officials of the respective member parties.

22. Until such organization is formed, the present Policy and Technical Committees of the ESJP will take such actions as necessary to continue moving forward with the Project.